

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 503 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

DISTRICT DEVELOPMENT OFFICER

Versus

DHANJIBHAI ALIAS DULJIBHAI ALIAS DURLABBHAI KARSANBHAI

Appearance:

MR DC DAVE for Petitioner
Party in Person for respondent no.1.
Mr.Digant P. Joshi instructed Mr. Hasurkar for
respondent no.2

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 13/03/2000

ORAL JUDGEMENT :

Respondent no.1, Parity in Person, who is present
before the Court, files Written Submissions, which is
taken on record.

2. The petition is already admitted as this Court has issued rule on 1.2.2000. Notice as to interim relief was made returnable on 22.2.2000. Today, the matter is taken up for final disposal with the consent of the parties. The petitioner has filed the present Special Civil Application challenging the order of the Gujarat Civil Service Tribunal in Appeal No.162 of 1998 dated 30.10.1999. By the impugned order, the Gujarat Civil Services Tribunal has directed the petitioner, (respondent in the said appeal) to arrange for payment of subsistence allowance to the appellant according to rules in force and to resort to further proceedings only after payment of such subsistence allowance.

3. Looking to the facts and circumstances of the case and in view of the concession made by the Party in Person, it will be just and proper to direct the respondent authorities to complete the departmental inquiry as ordered by the Gujarat Civil Services Tribunal, latest by 31.5.2000. The order of the Gujarat Civil Services Tribunal dated 15.10.1999/ 30.10.1999 is upheld to the extent that Appeal No.162 of 1998 is partly allowed. Order dated 22.1.1998 passed by the Additional Development Commissioner, Annexure 'C' to the petition is quashed and set aside and the matter is remanded back to the respondent authorities for giving opportunity to cross examine the witnesses and to give proper opportunity to defend his case according to rules. However, the order of the Gujarat Civil Services Tribunal is quashed and set aside to the extent so far it directs the respondent to pay subsistence allowance to the appellant therein according to rules and to the extent it directs to resort to further proceedings only after payment of such subsistence allowance.

4. Mr.D.C. Dave, learned advocate undertakes to convey to the authorities that the departmental inquiry as directed by the Gujarat Civil Services Tribunal shall be completed on or before 31.5.2000.

5. It goes without saying that the rights of the respondents herein will abide by the final outcome of the departmental inquiry.

6. In this view of the matter, the petition succeeds. Rule is made absolute to the aforesaid extent with no order as to costs. Direct service is permitted.

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karim*

